

ORTIZ & ORTIZ, L.L.P.  
Norma E. Ortiz  
35-10 Broadway, Ste. 202  
Astoria, New York 11103  
Tel. (718) 522-1117  
Fax (718) 596-1302  
[email@ortizandortiz.com](mailto:email@ortizandortiz.com)  
*Proposed Counsel to the Debtor*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

Certa Dose Inc.,

Case No. 21-11045-lgb

Debtor. Chapter 11  
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**AMENDED APPLICATION FOR ENTRY OF AN ORDER PURSUANT TO  
BANKRUPTCY CODE SECTION 327(a) AUTHORIZING THE  
EMPLOYMENT OF  
ORTIZ & ORTIZ L.L.P. AS DEBTOR'S COUNSEL**

TO THE HONORABLE LISA G. BECKERMAN, ,  
UNITED STATES BANKRUPTCY JUDGE:

Certa Dose, Inc., (the "Debtor"), by its proposed attorneys Ortiz & Ortiz, L.L.P. ("O & O"), respectfully represents:

**BACKGROUND**

1. The Debtor filed a voluntary chapter 11 petition on May 30, 2021 the "Petition Date"). The Debtor remains in possession with the authority to operate its business pursuant to 11 U.S.C. §§1107 and 1108. No committee has been appointed in this case.

2. The principal business of the Debtor is developing, selling and licensing its pharmaceutical products and technology. The Debtor's products are highly beneficial to the medical community and are much-needed. The Debtor was designated as an innovation company by Johnson & Johnson ("J & J") and has received a grant and mentor ship from J & J.

The Debtor anticipates sales of its products to exceed \$20 million in the next 24 months.

3. The Debtor commenced this proceeding to affect a balance sheet reorganization stemming from disputes and self-dealing in a contrived scheme orchestrated by its former COO and two affiliated board members to over-leverage the company and cause its takeover by an insurance company/lender controlled by one of the aforementioned board members.

4. The Debtor entered into a retainer agreement with O & O on May 28, 2021. The retainer agreement was conditioned upon the Debtor's payment of a \$20,000 classic retainer and the Court's approval of the firm's retention. The retainer was paid by the Debtor via wire transfer from its operating account.

### **JURISDICTION**

5. The United States Bankruptcy Court for the Southern District of New York (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

6. The statutory bases for the relief requested herein are Bankruptcy Code Sections 327 and 328, Federal Rules of Bankruptcy Procedure 2014 and 2016, and Local Bankruptcy Rule 2014-1.

### **RELIEF REQUESTED**

7. Subject to the Court's approval, the Debtor has retained O & O as its bankruptcy counsel to prosecute and complete its Chapter 11 case. Pursuant to 11 U.S.C. § 327(a), the Debtor requests that the Court approve the employment of O & O as its attorneys to perform the legal services necessary to consummate its Chapter 11 case. Since O & O began rendering services prior to the Petition Date, O & O requests that the Court authorize its retention as of the

Petition Date.

8. O & O anticipates rendering the following services to the Debtor:
  - (a) perform all necessary services as Debtor's counsel that are related to the Debtor's reorganization and the bankruptcy estate;
  - (b) assist the Debtor in protecting and preserving the estate assets during the pendency of the Chapter 11 case, including the prosecution and defense of actions and claims arising from or related to the estate and/or the Debtor's reorganization;
  - (c) prepare all documents and pleadings necessary to ensure the proper administration of its case; and
  - (d) perform all other bankruptcy-related necessary legal services.

9. The Debtor believes that O & O is qualified to represent its interest and the interests of the estate. Norma E. Ortiz, the partner responsible for the case, has over thirty years of Chapter 11 bankruptcy law experience in the public and private sectors. O & O is willing to act in this case and render the necessary professional services as attorneys for the Debtor.

10. As set forth in the Declaration of Norma E. Ortiz annexed hereto as Exhibit A, O & O asserts that it does not hold or represent an interest adverse to the Debtor's estate in the matters upon which O & O is to be employed, and O & O is "disinterested" as the term is defined in the Bankruptcy Code Section 327.

11. O & O shall apply to the Court for the allowance of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the local rules and orders of the Court. Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules and the local rules and orders of the Court, the Debtor proposes to pay O & O its customary hourly


rates as set forth in Norma E. Ortiz's Declaration and submits that such rates are reasonable.

12. The terms of the retainer agreement are described in Exhibit B, and include hourly rates of no more than \$475 an hour for partners, \$375 an hour for associates and attorneys serving as of counsel, and \$75 an hour for paralegal services. The retainer agreement entered into by the Debtor and O & O provides that O & O received a classic retainer, as that term is defined in In re King, 392 B.R. 62 (Bankr. S.D.N.Y. 2008), prior to the Petition Date. Such a retainer is earned when paid but is subject to the restrictions of the applicable provisions of the Bankruptcy Code, such as Sections 328, 329, 330 and 331, and the Federal Rules of Bankruptcy Procedure. O & O asserts that the terms of the retainer agreement, and the proposed terms of the firm's retention, are customary and reasonable under the circumstances of this case.

13. No previous application for the relief requested herein has been made to this or any other court.

WHEREFORE, the Debtor respectfully requests the entry of an order substantially in the form of the prefixed order granting the relief requested herein and such other and further relief as is just.

Dated: Astoria, New York  
June 15, 2021

  
\_\_\_\_\_  
Certa Dose, Inc., President

/s/Norma E. Ortiz  
Norma E. Ortiz, Esq.  
Ortiz & Ortiz, L.L.P.  
35-10 Broadway, Ste. 202  
Astoria, New York 11106  
Tel. (718) 522-1117

**EXHIBIT A**  
**DECLARATION OF NORMA E. ORTIZ**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Case No. 21-11045-lgb

Certa Dose Inc.,

Chapter 11

Debtor.

-----X

**DECLARATION AND DISCLOSURE STATEMENT OF NORMA E. ORTIZ, ESQ.,  
IN SUPPORT OF APPLICATION FOR RETENTION OF ORTIZ & ORTIZ, L.L.P.**

Norma E. Ortiz, states as follows:

1. I am an attorney at law admitted to practice before this Court and a member of the firm Ortiz & Ortiz, L.L.P (“O & O”).

2. I am the partner primarily responsible for the Debtor’s case. I have been involved in numerous reorganization and consumer bankruptcy cases over the last 30 years and possess the requisite experience and qualifications to serve as Debtor’s counsel.

3. My firm has agreed to bill the Debtor at an hourly rate of \$475 an hour for partners and \$375 an hour and below for associates and attorneys serving as of counsel to my firm. We bill \$100 an hour and below for paralegal services. I bill non-bankruptcy clients between \$350 and \$475 an hour, depending upon – among other things – the complexity of the matter. Photocopying charges are only billed to the estate when a large copying job is required and are billed at the rate of five cents a page or the rate charged by the vendor. Any costs incurred by third party vendors will be billed to the estate at O & O’s cost.

4. The Debtor has consented to our retention under a classic retainer under these terms.

5. I know of no reason why O & O is not qualified to represent the Debtor in this

case. The firm had no prior connection to the Debtor or any of shareholder before it was first consulted regarding the Debtor's financial difficulties.

6. I reviewed my database of clients and conducted a conflicts search to ensure that my firm is qualified to serve as Debtor's counsel. Based upon that review, to the best of my knowledge, neither I or O & O has any connection with the Debtor, its creditors or any other parties-in-interest, or their respective attorneys and accountants. I was formerly employed by the Office of the United States Trustee for the Southern District of New York (the "United States Trustee") over 20 years ago: I have no other connection with the Office or any person employed by the United States Trustee.

7. O & O agreed to accept a retainer of \$20,000. The retainer was paid from the Debtor's operating account.

8. Any post-petition payments of compensation will be made pursuant to, among other things, the applicable Bankruptcy Code provisions and the Federal Rules of Bankruptcy Procedure. Moreover, my firm is fully aware that all fees received as compensation for services to the Debtor is subject to the Court's approval for, among other things, reasonableness regardless of the source of funds paid to my firm.

9. My firm has not agreed to share compensation with any other person or entity.

I declare under the penalty of perjury that the foregoing is accurate and correct.

Dated: June 11, 2021  
Astoria, New York

/s/Norma E. Ortiz  
Norma E. Ortiz  
Ortiz & Ortiz, L.L.P.  
35-10 Broadway, Suite 201  
Astoria, New York 11106  
Tel. (718) 522-1117

## PROPOSED ORDER



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Case No. 21-110-lgb

Certa Dose Inc.,

Chapter 11

Debtor.

-----X

**ORDER PURSUANT TO SECTION 327(a) OF THE  
BANKRUPTCY CODE AUTHORIZING THE EMPLOYMENT OF  
ORTIZ & ORTIZ, L.L.P. AS ATTORNEYS FOR THE DEBTOR**

Upon the application (the “Application”) of Certa Dose, Inc. (the “Debtor”), as debtor and debtor in possession, dated June 11, 2021, for entry of an order pursuant to 11 U.S.C. § 327(a) authorizing and approving the employment of Ortiz & Ortiz, L.L.P. (“O & O”) as its attorneys; upon the Declaration of Norma E. Ortiz, Esq., a partner of the firm of O & O; it appearing that the members of O & O are admitted to practice before this Court; the Court being satisfied that O & O represents no interest adverse to the Debtor and its estate as to the matters upon which it is to be engaged, is disinterested under 11 U.S.C. §101(14), and that the employment of O & O is necessary and in the best interest of the Debtor and its estate; due notice of the Application having been given to the United States Trustee, and it appearing that no other or further notice need be given; sufficient cause appearing therefore, it is

ORDERED, that the Application is granted to the extent set forth herein; and it is further

ORDERED, that pursuant to 11 U.S.C. § 327(a) of the Bankruptcy Code, the Debtor is authorized to employ O & O as its attorneys as of May 30, 2021, under the terms and conditions set forth in the Application; and it is further

ORDERED, that prior to any increases in O & O rates for any individual retained by O & O and providing services in this case, O & O shall file a supplemental affidavit with the Court

Office of the United States Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:  
Certa Dose, Inc.

CASE NO: 21-11045

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 11  
Judge: Norma Ortiz

On 6/17/2021, I did cause a copy of the following documents, described below,  
Application to Employ  
Declaration  
Proposed Order

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 6/17/2021

/s/ Norma Ortiz  
Norma Ortiz 2206530

Ortiz and Ortiz, LLP  
35-10 Broadway, Suite 201  
Astoria, NY 11106  
718 522 1117

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:  
Certa Dose, Inc.

CASE NO: 21-11045

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 11  
Judge: Norma Ortiz

On 6/17/2021, a copy of the following documents, described below,

Application to Employ  
Declaration  
Proposed Order

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 6/17/2021



Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Norma Ortiz  
Ortiz and Ortiz, LLP  
35-10 Broadway, Suite 201  
Astoria, NY 11106

CALEB HERNANDEZ  
PO BOX 838  
DENVER CO 80201

CHASE CARDMEMBER SERVICE  
PO BOX 6294  
CAROL STREAM IL 60197

CLARUS RD  
1233 DUBLIN RD  
COLUMBUS OH 43215

COOLEY LLP  
101 CALIFORNIA STREET 5TH FLOOR  
SAN FRANCISCO CA 94111

DEPARTMENT OF REVENUE  
TAXATION DIVISION  
P.O. BOX 17087  
DENVER CO 80217

INTERNAL REVENUE SERVICE  
PO BOX 7346  
CENTRALIZED INSOLVENCY AGENCY  
PHILADELPHIA PA 19101-7346

INTERNATIONAL

LIU SHEN & ASSOCIATES  
10TH FLOOR BUILDING 1  
10 CAIHEFANG ROAD  
HAIDIAN DISTRICT CHINA

MARSHALL DENNEHEY  
2000 MARKET STREET SUITE 2300  
PHILADELPHIA PA 19103

MATTHEW FLEISHMAN  
260 MONROE ST DENVER  
DENVER CO 80206

MCKESSON  
9954 MAYLAND DRIVE  
RICHMOND VA 23228

NEUGEBOREN O DOWD PC  
1227 SPRUCE STREET SUITE 200  
BOULDER CO 80302

NEW YORK GENOME CENTER  
101 6TH AVE  
NEW YORK NY 10013

NYS DEPT OF TAX AND FINANCE  
BANKRUPTCY SECTION  
PO BOX 5300  
ALBANY NY 12205-0300

PACIFIC WESTERN BANK  
SBA PPP LOAN  
9701 WILSHIRE BLVD. #700  
BEVERLY HILLS CA 90212

PACIFIC WESTERN BANK  
PO BOX 6818  
CAROL STREAM IL 60197

INTERNATIONAL

STIPLASTICS HEALTHCARING  
62 CHEMIN DES PLANTÉES  
38160 SAINT-MARCELLIN  
FRANCE

THE LAW OFFICE OF JOSUE D. HERNANDEZ  
CERTA DOSE INC  
P.O. BOX 8383  
DENVER CO 80201